

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS*

✓ **3101. Misbranding of amphetamine hydrochloride tablets. U. S. v. David Avila (West Side Drug Store). Plea of guilty. Fine of \$250, plus costs. (F. D. C. No. 28132. Sample No. 49091-K.)**

INFORMATION FILED: March 23, 1950, District of New Mexico, against David Avila, trading as the West Side Drug Store, Albuquerque, N. Mex.

INTERSTATE SHIPMENT: On or about August 9, 1949, from the State of Alabama into the State of New Mexico.

ALLEGED VIOLATION: On or about August 29, 1949, while the drug was being held for sale after shipment in interstate commerce, the defendant caused a number of tablets of the drug to be removed from the bottle in which they had been shipped, to be repacked into a box, and to be sold without a prescription, which acts of the defendant resulted in the repackaged tablets being misbranded.

NATURE OF CHARGE: Misbranding, Section 502(b)(1), the repackaged tablets bore no label containing the name and place of business of the manufacturer, packer, or distributor; Section 502(b)(2), the repackaged tablets bore no label containing an accurate statement of the quantity of the contents; Section 502(e)(1), the repackaged tablets failed to bear a label containing the common or usual name of the drug, namely, "amphetamine hydrochloride"; Section 502(f)(1), the repackaged tablets bore no label containing adequate directions for use; and, Section 502(f)(2), the repackaged tablets bore no labeling containing warnings against use in those pathological conditions, and by children where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: April 18, 1950. A plea of guilty having been entered, the court imposed a fine of \$250, plus costs.

3102. Misbranding of Desoxyn Hydrochloride Tablets. U. S. v. James V. Thompson (Thompson's Drug Store). Plea of guilty. Fine of \$300 and costs. (F. D. C. No. 26743. Sample Nos. 37288-K, 37291-K.)

INFORMATION FILED: November 17, 1949, Western District of Washington, against James V. Thompson, trading as Thompson's Drug Store, at Lynden, Wash.

INTERSTATE SHIPMENT: Between the approximate dates of May 28 and August 5, 1948, from North Chicago, Ill.

PRODUCT: The product had been made for use exclusively by or on the prescription of a physician, and the label bore the statement "Caution: To be dispensed only by or on the prescription of a physician." As a result, the product was not required to comply with Section 502(f)(1), which requires that adequate directions for use appear in the labeling.

LABEL, WHEN SHIPPED: "Tablets Desoxyn Hydrochloride 2.5 mg."

ALLEGED VIOLATION: On or about September 10, 1948, while a number of tablets of the article were being held for sale after shipment in interstate commerce, the defendant caused them to be sold and disposed of to a purchaser in the original bottle in which the article had been shipped in interstate commerce, without a physician's prescription. The sale of the article by the defendant caused the exemption to expire and resulted in the misbranding of the article

*See also No. 3119 (veterinary preparations).